

**AN ORDINANCE AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; REZONING A TRACT OF LAND CONSISTING OF 440.95 ACRES, MORE OR LESS, SITUATED IN THE JAMES S. OGDEN SURVEY, ABSTRACT NO. 980, IN THE CITY OF FRISCO, DENTON COUNTY, TEXAS HERETOFORE ZONED AGRICULTURAL (A) AND IS HEREBY ZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-INFORMATION & TECHNOLOGY/RETAIL/SINGLE FAMILY-5/PATIO HOME (PD-IT/R/SF-5/PH); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the Comprehensive Zoning Ordinance Nos. 00-11-01 should be amended; and

WHEREAS, the City of Frisco, Texas ("Frisco") has received a request from Bert Fields, Jr. ("Applicant"), to rezone 440.95 acres of land, more or less, situated in the James S. Ogden Survey, Abstract No. 980, in the City of Frisco, Denton County, Texas; and

WHEREAS, the City Council of Frisco (the "City Council") has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:



SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Comprehensive Zoning Ordinance No. 00-11-01. Comprehensive Zoning Ordinance No. 00-11-01 is amended as follows: The zoning designation of the below-described property containing 440.95 acres of land, more or less, situated James S. Ogden Survey, Abstract No. 980, in the City of Frisco, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Information & Technology/Retail/Single-Family-5/Patio Home (PD-IT/R/SF-5/PH). The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with the planned development standards attached hereto as Exhibit "B" and incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the City Secretary and retained as the original records and shall not be changed in any manner.
- b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.



SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Conflicting Ordinances. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This ordinance shall become effective from and after its adoption and publication as required by law and the Charter of Frisco.



DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
FRISCO, TEXAS on this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

\_\_\_\_\_  
KATHLEEN A. SEEI, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

\_\_\_\_\_  
NAN PARKER  
City Secretary

\_\_\_\_\_  
ABERNATHY, ROEDER, BOYD & JOPLIN,  
P.C.  
RICHARD M. ABERNATHY  
City Attorneys

DATE OF PUBLICATION: \_\_\_\_\_, Frisco Enterprise



## **EXHIBIT "A"**

### **PROPERTY DESCRIPTION**

Being a tract of land situated in the James S. Ogden Survey, Abstract No. 980, Denton County, Texas and being the same tracts as conveyed to BERT FIELDS, JR. by deed as recorded in Volume 523, Page 677, Volume 523, Page 679 and Volume 523, Page 686 of the Deed Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod in the centerline of a county road and being the Southeast corner of the Crain & Warren Survey, Abstract No. 229 and a North corner of the said Ogden Survey and being the most Northern Northeast corner of this tract;

THENCE S 00°23'17" W, along an Eastern line of said Ogden Survey and the Western line of the Clayton Rogers Survey, Abstract No. 1094, 1982.05 feet to a 5/8" iron with a plastic cap in a fence line;

THENCE S 88°54'41" E, with a east line of said Fields tract, 379.96 feet to a 5/8" iron rod with a cap for corner, also being the Northwestern corner of a tract conveyed to Underwood Development by deed recorded in Volume 1182, Page 968, D.R.D.C.T.;

THENCE S 00°21'51" E, with the east line of said Fields tract, 2835.70 feet to a 5/8" iron rod next to a wooden fence corner post;

THENCE N 89°46'05" W, with the south line of said Fields tract, 3796.32 feet to a 3/4" iron rod with cap in the east line of the Brazos Electric Power Cooperative, Inc. tract purchased from the original Fields tract as recorded in No. 059132 of the D.R.D.C.T.

THENCE N 00°11'13" E, along the east line of said Brazos Electric tract, a distance of 112.00 feet to a 3/4" diameter iron rod;

THENCE N 89°46'05" W, a distance of 381.89 feet to a point in the centerline of the 4<sup>th</sup> Army Memorial Road, the same being in the west line of said Fields tract;

THENCE N 00°11'13" E, along the west line of said Fields tract and the centerline of said 4<sup>th</sup> Army Memorial Road, a distance of 4678.45 feet to a 5/8" iron rod for the Northwest corner of the Fields tract and further being the Northwest corner of said Ogden Survey;

THENCE N 89°44'03" E, along the centerline of county road and the Southern line of the Crain & Warren Survey, Abstract No. 229, 3778.10 feet to the POINT OF BEGINNING, containing 19,207,807 square feet or 440.950 acres of land more or less.



## **EXHIBIT "B"**

### **PLANNED DEVELOPMENT STANDARDS**

#### **PLANNED DEVELOPMENT - INFORMATION & TECHNOLOGY / RETAIL / SINGLE FAMILY-5 / PATIO HOME (PD-IT/R/SF-5/PH) -- 440.95 ACRES**

##### **Planned Development-Information & Technology District (423.40+ acres)**

This tract may be developed under the regulations of the Information & Technology (IT) district as outlined in Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. The following documents shall be submitted with the preliminary site plan, or site plan if a preliminary site plan is not required, of any lot adjacent to Stewart Creek:
  - a. Wetland Delineation Study;
  - b. Habitat Study; and
  - c. Vegetative Study.
2. Where off-street parking and loading areas are located between the 100-year flood plain and a building, one (1) minimum three-inch (3") caliper tree per thirty (30) linear feet and three (3) five (5) gallon shrubs per fifteen (15) linear feet shall be planted between the 100-year flood plain and the off-street parking and loading area. Should the centerline of the creek serve as a property line, these shrubs and trees shall satisfy the landscaping requirement listed as Article IV, Section 2.06(E)(1)(c)(4) of Zoning Ordinance No. 00-11-01.
3. Where a restaurant of greater than 4000 square feet is located on a lot adjacent to Stewart Creek, the restaurant shall provide an outdoor dining area with a minimum area of 750 square feet between the building and Stewart Creek. Off-street parking shall not be required for the first 750 square feet of outdoor dining areas.
4. Within the area shown on Exhibit A as "Area of Restricted Height", maximum building height is forty (40) feet.

Planned Development-Single-Family-5 (9.7± acres)/Patio Home (5.5± acres) with the following planned development standards:

##### **Planned Development-Single-Family Residential District-5 (9.65+ acres)**

This tract may be developed under the regulations of the Single-Family Residential-5 (SF-5) district as outlined in Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. Minimum lot area shall be 7,800 square feet.
2. Minimum lot width shall be sixty-five feet (65'). Lots located on a cul-de-sac or eyebrow/elbow shall have a minimum lot width of sixty feet (60').



3. Minimum rear yard shall be ten feet (10'). Any rear entry garages that face the rear lot line shall be set back a minimum of twenty feet (20') from the rear lot line. Rear entry garages with swing-in driveways shall be set back a minimum of ten feet (10') from the rear property line.

#### **Planned Development-Patio Home District (5.50+ acres)**

This tract may be developed under the regulations of the Patio Home (PH) district as outlined in Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. For both the "zero side" and "center load" options, minimum lot area shall be 6,000 square feet.
2. For both the "zero side" and "center load" options, minimum lot width shall be fifty-five feet (55'). Lots located on a cul-de-sac or eyebrow/elbow shall have a minimum lot width of fifty feet (50').
3. For both the "zero side" and "center load" options, minimum rear yard shall be ten feet (10'). Any rear entry garages that face the rear lot line shall be set back a minimum of twenty feet (20') from the rear lot line. Rear entry garages with swing-in driveways shall be set back a minimum of ten feet (10') from the rear property line.

#### **Planned Development-Retail District (2.40+ acres)**

This tract may be developed under the regulations of the Retail (R) district as outlined in Ordinance No. 00-11-01 as it currently exists or may be amended.